

the railroad corporation, trustee, or successor in interest by the person wishing to purchase the property. The department shall notify the department of inspections and appeals which shall hear the controversy and make a final determination of the fair market value of the property and the other terms of the transaction which were in dispute, within ninety days after the application is filed. The determination is subject to review by the department and the department's decision is the final agency action. All correspondence shall be by certified mail.

The decision of the department of inspections and appeals is binding on the parties, except that a person who seeks to purchase the real property may withdraw the offer to purchase within thirty days of the decision of the department of inspections and appeals. If a withdrawal is made, the railroad corporation, trustee, or successor in interest may sell or dispose of the real property without further order of the department of inspections and appeals.

This section does not apply when a rail line is being sold for continued railroad use.

DIVISION V

Sec. 17. Section 6A.10, subsection 1, Code 1993, is amended to read as follows:

1. The railway corporation shall apply to the department of transportation for permission to condemn. The department may, after hearing, report to the clerk of the district court clerk of the county in which the land is situated the description of the land sought to be condemned. The corporation may begin condemnation procedures in district court for the land described by the authority department.

DIVISION VI

Sec. 18. Section 602.8106, subsection 4, Code 1993, is amended to read as follows:

4. The clerk shall deposit all other fines and forfeited bail received from a magistrate in the court revenue distribution account established in section 602.8108, including those fines which are imposed through commercial vehicle violation citations issued by motor vehicle division personnel at portable and fixed weigh stations in the state.

Approved April 27, 1993

CHAPTER 48

TRANSFER OF FUNCTIONS FROM DEPARTMENT OF CULTURAL AFFAIRS

S.F. 225

AN ACT relating to technical and other changes within the Code to transfer the library division, regional library system, library compact, state data center, and public broadcasting division from the department of cultural affairs to the department of education and to transfer the Terrace Hill commission from the department of cultural affairs to the department of general services, and providing for related matters.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 7A.3, subsection 10, Code 1993, is amended to read as follows:

10. ~~Library commission~~ Commission of libraries.

Sec. 2. Section 7E.5, subsection 1, paragraph m, Code 1993, is amended to read as follows:

m. The department of cultural affairs, created in section 303.1, which has primary responsibility for managing the state's interests in the areas of the arts, history, ~~libraries~~, and other cultural matters.

Sec. 3. Section 12C.1, subsection 1, Code 1993, is amended to read as follows:

Sec. 9. Section 18.134, subsection 2, Code 1993, is amended to read as follows:

2. A political subdivision receiving communications services from the state as of April 1, 1986, may continue to do so but communications services shall not be provided or resold to additional political subdivisions other than a school corporation, a city library, a regional library as provided in chapter ~~303B~~ 256, and a county library as provided in chapter 336. The rates charged to the political subdivision shall be the same as the rates charged to state agencies.

Sec. 10. Section 39.21, subsection 1, Code 1993, is amended to read as follows:

1. Regional library trustees as required by section ~~303B-3~~ 256.63.

Sec. 11. Section 218.22, Code 1993, is amended to read as follows:

218.22 RECORD PRIVILEGED.

Except with the consent of the administrator in charge of an institution, or on an order of a court of record, the record provided in section 218.21 shall be accessible only to the administrator of the division of the department of human services in control of such institution, the director of the department of human services and to assistants and proper clerks authorized by such administrator or the administrator's director. The administrator of the division of such institution is authorized to permit the library division of libraries and information services of the department of education and the historical division of the department of cultural affairs to copy or reproduce by any photographic, photostatic, microfilm, microcard or other process which accurately reproduces a durable medium for reproducing the original and to destroy in the manner described by law such records of residents designated in section 218.21.

Sec. 12. Section 256.1, Code 1993, is amended to read as follows:

256.1 DEPARTMENT ESTABLISHED.

1. The department of education is established to act in a policymaking and advisory capacity and to exercise general supervision over the state system of education including all of the following:

- 1 a. Public elementary and secondary schools.
 - 2 b. Community colleges.
 - 3 c. Area education agencies.
 - 4 d. Vocational rehabilitation.
 - 5 e. Educational supervision over the elementary and secondary schools under the control of a ~~director~~ an administrator of a division of the department of human services.
 - 6 f. Nonpublic schools to the extent necessary for compliance with Iowa school laws.
2. Stimulate and encourage educational radio and television and other educational communications services as necessary to aid in accomplishing the educational objectives of the state.
3. Meet the informational needs of the three branches of state government.
4. Provide for the improvement of library services to all Iowa citizens and foster development and cooperation among libraries.
5. The department shall act as an administrative, supervisory, and consultative state agency.

Sec. 13. Section 256.7, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Except for the college student aid commission and the public broadcasting board and division, the state board shall:

Sec. 14. Section 256.9, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Except for the college student aid commission and the public broadcasting board and division, the director shall:

Sec. 15. Section 256.9, subsections 49 and 50, Code 1993, are amended by striking the subsections.

Sec. 16. Section 256.33, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The department shall consort with school districts, area education agencies, community colleges, and colleges and universities to provide assistance to them in the use of educational

technology for instruction purposes. The department shall consult with the advisory committee on the operation of the narrowcast system, established in section ~~303.77~~ 256.82, the advisory committee on telecommunications, established in section 256.7, subsection 9, and other users of educational technology on the development and operation of programs under this section.

Sec. 17. NEW SECTION. 256.50 DIVISION OF LIBRARIES AND INFORMATION SERVICES — DEFINITIONS.

As used in this section and sections 256.51 through 256.55, unless the context otherwise requires:

1. "Commission" means the commission of libraries.
2. "Division" means the division of libraries and information services of the department of education.
3. "State agency" means a legislative, executive, or judicial office of the state and all of its respective officers, departments, divisions, bureaus, boards, commissions, and committees, except the state institutions of higher education governed by the state board of regents.
4. "State publications" means all multiple-produced publications regardless of format, which are issued by a state agency and supported by public funds, but it does not include:
 - a. Correspondence and memoranda intended solely for internal use within the agency or between agencies.
 - b. Materials excluded from this definition by the commission through the adoption and enforcement of rules.

Sec. 18. NEW SECTION. 256.51 DIVISION OF LIBRARIES AND INFORMATION SERVICES — DUTIES AND RESPONSIBILITIES.

1. The division of libraries and information services is established within the department of education. The division shall do all of the following:
 - a. Determine policy for providing information service to the three branches of state government and to the legal and medical communities in this state.
 - b. Coordinate a statewide interregional interlibrary loan and information network among libraries in this state and support activities which increase cooperation among all types of libraries.
 - c. Establish and administer a program for the collection and distribution of state publications to depository libraries.
 - d. Develop and adopt, in conjunction with the Iowa regional library system, long-range plans for the continued improvement of library services and which will explore or broaden the information mission in the state. To insure that the concerns of all types of libraries are addressed, the division shall establish a long-range planning committee to review and evaluate progress and report findings and recommendations to the division and to the trustees of the Iowa regional library system at an annual meeting.
 - e. Develop in cooperation with the Iowa regional library system a biennial unified plan of service for the division of libraries and information services.
 - f. Establish and administer a statewide continuing education program for librarians and trustees.
 - g. Give to libraries advice and counsel in specialized areas which may include, but are not limited to, building construction and space utilization, children's services, and technological developments.
 - h. Obtain from libraries reports showing the condition, growth, and development of services provided and disseminate this information in a timely manner to the citizens of Iowa.
 - i. Establish and administer certification guidelines for librarians not covered by other accrediting agencies.
 - j. Foster public awareness of the condition of libraries in Iowa and of methods to improve library services to the citizens of the state.
 - k. Establish and administer standards for state agency libraries, the Iowa regional library system, and public libraries.

2. The division may do all of the following:
 - a. Enter into interstate library compacts on behalf of the state of Iowa with any state which legally joins in the compacts as provided in section 256.70.
 - b. Receive and expend money for providing programs and services. The division may receive, accept, and administer any moneys appropriated or granted to it, separate from the general library fund, by the federal government or by any other public or private agency.
 - c. Accept gifts, contributions, bequests, endowments, or other moneys, including but not limited to the Westgate endowment fund, for any or all purposes of the division. Interest earned on moneys accepted under this paragraph shall be credited to the fund or funds to which the gifts, contributions, bequests, endowments, or other moneys have been deposited, and is available for any or all purposes of the division. The division shall report annually to the director and the general assembly regarding the gifts, contributions, bequests, endowments, or other moneys accepted pursuant to this paragraph and the interest earned on them.

Sec. 19. NEW SECTION. 256.52 COMMISSION OF LIBRARIES ESTABLISHED — DUTIES OF COMMISSION AND STATE LIBRARIAN.

1. The state commission of libraries consists of one member appointed by the supreme court and six members appointed by the governor to serve four-year terms beginning and ending as provided in section 69.19. Of the governor's appointees, one member shall be from the medical profession and five members selected at large. Not more than three of the members appointed by the governor shall be of the same gender. The members shall be reimbursed for their actual expenditures necessitated by their official duties. Members may also be eligible for compensation as provided in section 7E.6.

2. The commission shall elect one of its members as chairperson. The commission shall meet at the time and place specified by call of the chairperson. Four members are a quorum for the transaction of business.

3. The commission shall appoint the state librarian who shall administer the division, and serve at the pleasure of the commission.

The state librarian shall do all of the following:

- a. Direct and organize the activities of the division.
- b. Submit a biennial report to the governor on the activities and an evaluation of the division and its programs and policies.
- c. Control all property of the division.
- d. Appoint and approve the technical, professional, excepting the medical librarian and the law librarian, secretarial, and clerical staff necessary to accomplish the purposes of the division subject to chapter 19A.
- e. Perform other duties imposed by law.

4. The commission shall adopt rules under chapter 17A for carrying out the responsibilities of the division.

5. The commission shall receive and approve the budget and unified plan of service submitted by the division of libraries and information services.

Sec. 20. NEW SECTION. 256.53 STATE PUBLICATIONS.

Upon issuance of a state publication in any format, a state agency shall deposit with the division at no cost to the division, seventy-five copies of the publication or a lesser number if specified by the division.

Sec. 21. NEW SECTION. 256.54 STATE LIBRARY — MEDICAL AND LAW LIBRARIES.

The state library includes, but is not limited to, a medical library, a law library, and the state data center.

1. The medical library shall be administered by a medical librarian, appointed by the director subject to chapter 19A, who shall do all of the following:

- a. Operate the medical library which shall always be available for free use by the residents of Iowa under rules the commission adopts.

b. Give no preference to any school of medicine and shall secure books, periodicals, and pamphlets for every legally recognized school of medicine without discrimination.

c. Perform other duties imposed by law or prescribed by the rules of the commission.

2. The law library shall be administered by a law librarian appointed by the director subject to chapter 19A, who shall do all of the following:

a. Operate the law library which shall be maintained in the state capitol or in rooms convenient to the state supreme court and which shall be available for free use by the residents of Iowa under rules the commission adopts.

b. Maintain, as an integral part of the law library, reports of various boards and agencies and copies of bills, journals, and other information relating to current or proposed legislation.

c. Arrange to make exchanges of all printed material published by the states and the government of the United States.

d. Perform other duties imposed by law or by the rules of the commission.

Sec. 22. NEW SECTION. 256.55 STATE DATA CENTER.

A state data center is established in the department of education. The state data center shall be administered by the state data center coordinator, who shall do all of the following:

1. Manage the state data center program to make United States census data available to the residents of Iowa under rules the commission adopts.

2. Act as the state's liaison with the United States census bureau in matters relating to United States decennial, economic, and agricultural census data, and population estimates and projections.

3. Perform other duties imposed by law or prescribed by the commission.

Sec. 23. NEW SECTION. 256.60 REGIONAL LIBRARY SYSTEM ESTABLISHED — PURPOSES.

A regional library system is established to provide supporting services to libraries and to encourage local financial support for library services.

Sec. 24. NEW SECTION. 256.61 REGIONAL LIBRARY TRUSTEES.

The regional library system shall consist of seven regional boards of library trustees which shall serve respectively the seven geographic regions specified in this section. Each region shall be divided into geographic districts, which shall be drawn along county lines and which shall be represented on regional boards by trustees elected to the boards in the following numbers and from the following districts:

1. To the southwestern board, two from Pottawattamie county and one from each of the following five districts:

a. Harrison, Shelby and Audubon counties.

b. Guthrie, Cass and Adair counties.

c. Mills, Fremont and Page counties.

d. Montgomery, Adams, Union and Taylor counties.

e. Clarke, Lucas, Ringgold, Decatur and Wayne counties.

2. To the northwestern board, two from Woodbury county and one from each of the following five districts:

a. Lyon, Sioux and Osceola counties.

b. Dickinson, Emmet, Clay and Palo Alto counties.

c. O'Brien, Plymouth and Cherokee counties.

d. Buena Vista, Pocahontas, Ida, Sac and Calhoun counties.

e. Monona, Crawford and Carroll counties.

3. To the north central board, two from a district composed of Hancock, Cerro Gordo and Franklin counties; two from a district composed of Humboldt, Wright and Webster counties; and one from each of the following three districts:

a. Kossuth and Winnebago counties.

b. Hamilton and Hardin counties.

c. Worth, Mitchell and Floyd counties.

4. To the central board, four from a district composed of Polk and Marion counties, and one from each of the following three districts:
 - a. Greene, Dallas, Madison and Warren counties.
 - b. Boone and Story counties.
 - c. Marshall and Jasper counties.
5. To the southeastern board, two from Scott county and one from each of the following five districts:
 - a. Appanoose, Davis and Wapello counties.
 - b. Jefferson, Van Buren and Lee counties.
 - c. Monroe, Mahaska and Keokuk counties.
 - d. Henry and Des Moines counties.
 - e. Muscatine, Louisa and Washington counties.
6. To the east central board, three from a district composed of Linn and Jones counties; two from a district composed of Iowa, Johnson and Cedar counties; and one from each of the following two districts:
 - a. Tama, Benton and Poweshiek counties.
 - b. Jackson and Clinton counties.
7. To the northeastern board, two from Black Hawk county; two from a district composed of Delaware and Dubuque counties; and one from each of the following three districts:
 - a. Grundy, Butler and Bremer counties.
 - b. Howard, Winneshiek, Allamakee and Chickasaw counties.
 - c. Buchanan, Fayette and Clayton counties.

Sec. 25. NEW SECTION. 256.62 REGIONAL LIBRARY TRUSTEES – NONVOTING MEMBERS.

In addition to the members of the seven regional boards of library trustees provided in section 256.61, the director of education shall appoint to each of the seven regional boards of library trustees the following nonvoting members:

1. A representative from an area education agency.
2. A representative who serves as a member on the board of directors for a community college.

The nonvoting members shall serve at the pleasure of the director. The appointed members shall cease to be members if they no longer are employed by an area education agency or no longer serve as a member on a community college board of directors. Sections 256.63 and 256.64 do not apply to the appointed nonvoting members of the regional boards of library trustees.

Sec. 26. NEW SECTION. 256.63 ELECTION.

A trustee of a regional board shall be elected without regard to political affiliation at the general election by the vote of the electors of the trustee's district from a list of nominees, the names of which have been taken from nomination papers filed in accordance with chapter 45 in all respects except that they shall be signed by not less than twenty-five eligible electors of the respective district. The election shall be administered by the commissioner who has jurisdiction under section 47.2.

The votes cast in the election shall be canvassed and abstracts of the votes cast shall be promptly certified by the commissioner to the commissioner of elections who is responsible under section 47.2 for conducting elections for that regional library board district. In each county whose commissioner of elections is responsible under section 47.2 for conducting elections held for a regional library board district, the county board of supervisors shall convene at nine a.m. on the third Monday in November, canvass the abstracts of votes cast and declare the results of the voting. The commissioner shall at once issue certificates of election to each person declared elected.

Sec. 27. NEW SECTION. 256.64 TERMS.

Regional library trustees shall take office on the first day of January following the general election and shall serve terms of four years. A vacancy shall be filled when it occurs not less than ninety days before the next general election by appointment by the regional board for the unexpired term. No trustee shall serve on a local library board or be employed by a library during the trustee's term of office as a regional library trustee.

Sec. 28. NEW SECTION. 256.65 COMPENSATION.

Regional trustees shall be reimbursed for the actual and necessary expenses incurred by them in the discharge of their duties, but shall receive no compensation for services.

Sec. 29. NEW SECTION. 256.66 POWERS AND DUTIES OF REGIONAL TRUSTEES.

In carrying out the purposes of section 256.60, each board of trustees:

1. Shall appoint and evaluate a qualified administrator who shall have a master's degree in librarianship from a program of study accredited by the American library association and who may be terminated for good cause.

2. Subject to the approval of the annual plan of service by the director of the department of education, may receive and expend state appropriated funds.

3. May receive and expend other funds and receive and expend gifts of real property, personal property or mixed property, and devises and bequests including trust funds; may take title to the property; may execute deeds and bills of sale for the conveyance of the property; and may expend the funds received from the gifts.

4. May accept and administer trusts and may authorize nonprofit foundations acting solely for the support of the regional library to accept and administer trusts deemed by the board to be beneficial to the operation of the regional library. Notwithstanding section 633.63, the board and the nonprofit foundation may act as trustees in these instances. The board shall require that moneys belonging to a nonprofit foundation be audited annually.

5. May contract with libraries, library agencies, private corporations or individuals to improve library service.

6. May acquire land and construct or lease facilities to carry out the provisions of sections 256.60 through 256.69.

7. Shall provide consultation and educational programs for library staff and trustees concerning all facets of library management and operation.

8. Shall provide interlibrary loan and information services intraregionally, but which are capable of being linked interregionally, according to the standards developed by the commission of libraries.

9. Shall develop and adopt, in cooperation with other members of the regional library system and the director of the department of education, a long-range plan for the region.

10. Shall prepare, in cooperation with all members of the regional library system and the director of the department of education, an annual plan of service.

11. Shall provide data and prepare reports as directed by the director of the department of education.

12. Shall encourage governmental subdivisions to maintain local financial support for the operating expenses of local libraries.

13. May perform other acts necessary to carry out its powers and duties under sections 256.60 through 256.69.

Sec. 30. NEW SECTION. 256.67 DUTIES OF THE REGIONAL ADMINISTRATOR.

A regional administrator shall:

1. Act as administrator and executive secretary of the region in accordance with the objectives and policies adopted by the regional board and with the intent of this chapter.

2. Organize, staff, and administer the regional library so as to render the greatest benefit to libraries and information services in the area.

3. Advise and counsel with the regional board of trustees and individual libraries in all matters pertaining to the improvement of library services in the region.

4. Cooperate with other members of the regional library system, the state library of Iowa and representatives of the Iowa library community in considering and developing plans for the improvement of library services in Iowa.

5. Carry out the policies of the regional board of trustees not inconsistent with state law.

Sec. 31. NEW SECTION. 256.68 ALLOCATION AND ADMINISTRATION OF FUNDS.

1. Funds appropriated for the purpose of carrying out sections 256.60 through 256.69 shall be allocated to regional boards by the commission of libraries as follows:

a. Sixty percent in proportion to the population served by each regional board.

b. Twenty-five percent proportioned equally among the regional boards.

c. Fifteen percent in proportion to the geographic area served by each regional board.

2. In addition to funds received under subsection 1, a regional library board may individually or cooperatively apply to the commission of libraries for available grants.

Sec. 32. NEW SECTION. 256.69 LOCAL FINANCIAL SUPPORT.

Commencing July 1, 1977, each city within its corporate boundaries and each county within the unincorporated area of the county shall levy a tax of at least six and three-fourths cents per thousand dollars of assessed value on the taxable property or at least the monetary equivalent thereof when all or a portion of the funds are obtained from a source other than taxation, for the purpose of providing financial support to the public library which provides library services within the respective jurisdictions.

Sec. 33. NEW SECTION. 256.70 LIBRARY COMPACT AUTHORIZED.

The division of libraries and information services of the department of education is hereby authorized to enter into interstate library compacts on behalf of the state of Iowa with any state bordering on Iowa which legally joins therein in substantially the following form.

The contracting states agree that:

ARTICLE I – PURPOSE

Because the desire for the services provided by public libraries transcends governmental boundaries and can be provided most effectively by giving such services to communities of people regardless of jurisdictional lines, it is the policy of the states who are parties to this compact to cooperate and share their responsibilities in providing joint and cooperative library services in areas where the distribution of population makes the provision of library service on an interstate basis the most effective way to provide adequate and efficient services.

ARTICLE II – PROCEDURE

The appropriate state library officials and agencies having comparable powers with those of the Iowa commission of libraries of the party states or any of their political subdivisions may, on behalf of said states or political subdivisions, enter into agreements for the cooperative or joint conduct of library services when they shall find that the execution of agreements to that end as provided herein will facilitate library services.

ARTICLE III – CONTENT

Any such agreement for the cooperative or joint establishment, operation or use of library services, facilities, personnel, equipment, materials or other items not excluded because of failure to enumerate shall, as among the parties of the agreement:

1. Detail the specific nature of the services, facilities, properties or personnel to which it is applicable;

2. Provide for the allocation of costs and other financial responsibilities;

3. Specify the respective rights, duties, obligations and liabilities;

4. Stipulate the terms and conditions for duration, renewal, termination, abrogation, disposal of joint or common property, if any, and all other matters which may be appropriate to the proper effectuation and performance of said agreement.

ARTICLE IV — CONFLICT OF LAWS

Nothing in this compact or in any agreement entered into hereunder shall alter, or otherwise impair any obligation imposed on any public library by otherwise applicable laws, or be constituted to supersede.

ARTICLE V — ADMINISTRATOR

Each state shall designate a compact administrator with whom copies of all agreements to which the state or any subdivision thereof is party shall be filed. The administrator shall have such powers as may be conferred by the laws of the administrator's state and may consult and cooperate with the compact administrators of other party states and take such steps as may effectuate the purposes of this compact.

ARTICLE VI — EFFECTIVE DATE

This compact shall become operative when entered in by two or more entities having the powers enumerated herein.

ARTICLE VII — RENUNCIATION

This compact shall continue in force and remain binding upon each party state until six months after any such state has given notice of repeal by the legislature. Such withdrawal shall not be construed to relieve any party to an agreement authorized by Articles II and III of the compact from the obligation of that agreement prior to the end of its stipulated period of duration.

ARTICLE VIII — SEVERABILITY — CONSTRUCTION

The provisions of this compact shall be severable. It is intended that the provisions of this compact be reasonably and liberally construed.

Sec. 34. NEW SECTION. 256.71 ADMINISTRATOR.

The administrator of the division of libraries and information services shall be the compact administrator. The compact administrator shall receive copies of all agreements entered into by the state or its political subdivisions and other states or political subdivisions; consult with, advise and aid such governmental units in the formulation of such agreements; make such recommendations to the governor, legislature, governmental agencies and units as the administrator deems desirable to effectuate the purposes of this compact and consult and co-operate with the compact administrators of other party states.

Sec. 35. NEW SECTION. 256.72 AGREEMENTS.

The compact administrator and the chief executive of a county, city, or library board may enter into agreements with other states or their political subdivisions pursuant to the compact. The agreements made pursuant to this compact on behalf of the state of Iowa shall be made by the compact administrator. The agreements made on behalf of a political subdivision shall be made after due notice to and consultation with the compact administrator.

Sec. 36. NEW SECTION. 256.73 ENFORCEMENT.

The agencies and officers of this state and its subdivisions shall enforce this compact and do all things appropriate to effect its purpose and intent which may be within their respective jurisdiction.

Sec. 37. NEW SECTION. 256.80 DEFINITIONS.

As used in this section and sections 256.81 through 256.90 unless the context otherwise requires:

1. "Administrator" means the administrator of the public broadcasting division of the department of education.
2. "Board" means the Iowa public broadcasting board.

3. "Broadcast" means communications through a system that is receivable by the general public with programming designed for a large group of users.

4. "Narrowcast" means communications through systems that are directed toward a narrowly defined audience.

5. "Radio and television facility" means transmitters, towers, studios, and all necessary associated equipment for broadcasting, including closed circuit television.

Sec. 38. NEW SECTION. 256.81 PUBLIC BROADCASTING DIVISION CREATED — ADMINISTRATOR — DUTIES.

1. The public broadcasting division of the department of education is created. The chief administrative officer of the division is the administrator who shall be appointed by and serve at the pleasure of the Iowa public broadcasting board. The governor shall set the division administrator's salary unless otherwise provided by law. Educational programming shall be the highest priority of the division. The director of the department of education and the state board of education are not liable for the activities of the division of public broadcasting.

2. The administrator shall do all of the following:

- a. Direct and organize the activities of the division.
- b. Submit a biennial report to the governor on the activities and an evaluation of the division and its programs and policies.
- c. Control all property of the division.
- d. Perform other duties imposed by law.

Sec. 39. NEW SECTION. 256.82 BOARD — ADVISORY COMMITTEES.

1. The Iowa public broadcasting board is created to plan, establish, and operate educational radio and television facilities and other telecommunications services including narrowcast and broadcast systems to serve the educational needs of the state. The board shall be composed of nine members selected in the following manner:

a. Four members shall be appointed by the governor so that the portion of the board membership appointed under this paragraph includes two male board members and two female board members at all times:

(1) One member shall be appointed from the business community other than the commercial broadcasting industry and the telecommunications industry.

(2) One member shall be appointed from the commercial broadcast industry.

(3) One member shall be appointed from the membership of a fund-raising nonprofit organization financially assisting the Iowa public broadcasting division.

(4) One member shall represent the general public.

b. Five members shall be selected in the manner provided in this paragraph and the gender balance of the membership shall be coordinated among the associations and boards making the appointments so that not more than three members serving under this paragraph at the same time are of the same gender.

(1) One member shall be appointed by the state association of private colleges and universities.

(2) One member shall be appointed jointly by the superintendents of the community colleges created by chapter 260C.

(3) One member shall be appointed jointly by the administrators of the area education agencies created by chapter 273.

(4) One member who is knowledgeable about telecommunications shall be appointed by the state board of regents.

(5) One member shall be appointed by the state board of education.

2. Board members shall serve a three-year term commencing on July 1 of the year of appointment. A vacancy shall be filled in the same manner as the original appointment for the remainder of the term.

Membership on the board does not constitute holding a public office and members shall not be required to take and file oaths of office before serving. A member shall not be disqualified from holding any public office or employment by reason of appointment to the board nor shall a member forfeit an office or employment by reason of appointment to the board.

3. The board shall appoint at least two advisory committees, each of which has no more than a simple majority of members of the same gender, as follows:

a. Advisory committee on the operation of the narrowcast system. The advisory committee shall be composed of members from among the users of the narrowcast system including representatives of institutions under the state board of regents, community colleges, area education agencies, classroom teachers, school district administrators, school district boards of directors, the department of economic development, the department of education, and private colleges and universities.

b. Advisory committee on journalistic and editorial integrity. The division shall be governed by the national principles of editorial integrity developed by the editorial integrity project.

Duties of the advisory committees, and of additional advisory committees the board may from time to time appoint, shall be specified in rules of internal management adopted by the board.

Members of advisory committees shall receive actual expenses incurred in performing their official duties.

Sec. 40. NEW SECTION. 256.83 MEETINGS.

1. The board shall elect from among its members a president and a vice president to serve a one-year term. The board shall meet at least four times annually and shall hold special meetings at the call of the president or in the absence of the president by the vice president or by the president upon written request of four members. The board shall establish procedures and requirements relating to quorum, place, and conduct of meetings.

2. Board members shall receive actual expenses incurred in performing their official duties.

Sec. 41. NEW SECTION. 256.84 POWERS — FACILITIES — RULES.

1. The board may purchase, lease, and improve property, equipment, and services for educational telecommunications including the broadcast and narrowcast systems, and may dispose of property and equipment when not necessary for its purposes. The board and division administrator may arrange for joint use of available services and facilities.

2. The board shall apply for channels, frequencies, licenses, and permits as necessary for the performance of the board's duties.

3. This section does not prohibit institutions under the state board of regents and community colleges under the department of education from owning, operating, improving, maintaining, and restructuring educational radio and television stations and transmitters now in existence or other educational narrowcast telecommunications systems and services. The institutions and schools may enter into agreements with the board for the lease or purchase of equipment and facilities.

4. The board may locate its administrative offices and production facilities outside the city of Des Moines.

5. The board shall adopt and update a design plan for educational telecommunications systems and services in this state. The design plan shall be updated at least every two years. Copies of the design plan and updated design plan shall be made available to the governor and members of the general assembly upon request. The plan shall include a list of public utilities and private telecommunications companies being utilized by the educational telecommunications system; the cost of the system; the fees or charges established for the system; and information on areas where construction is required because facilities are not available from private telecommunications companies.

6. The board shall establish guidelines for and may impose and collect fees and charges for services. Fees and charges collected by the board for services shall be deposited to the credit of the division. Any interest earned on these receipts, and revenues generated under subsection 7, shall be retained and may be expended by the division subject to the approval of the board.

7. The board may make and execute agreements, contracts, and other instruments with any public or private entity and may retain revenues generated from these contracts. State departments and agencies, other public agencies, and governmental subdivisions and private

entities including but not limited to institutions of higher education and nonpublic schools may enter into contracts and otherwise cooperate with the board.

8. The board may contract with engineers, attorneys, accountants, financial experts, and other advisors upon the recommendation of the administrator. The board may enter into contracts or agreements for such services with local, state, or federal governmental agencies.

9. The board may adopt rules to implement and administer the programs of the division.

10. The decision of the board is final agency action under chapter 17A.

Sec. 42. NEW SECTION. 256.85 PURCHASE OF ENERGY EFFICIENCY PACKAGES.

The public broadcasting division of the department of education may use the state of Iowa facilities improvement corporation to purchase energy efficiency packages for its ultrahigh frequency transmitters.

Sec. 43. NEW SECTION. 256.86 COMPETITION WITH PRIVATE SECTOR.

It is the intent of the general assembly that the division shall not compete with the private sector by actively seeking revenue from its operations. It is not the intent of the general assembly to prohibit the receipt of charitable contributions as defined by section 170 of the Internal Revenue Code. The board, the governor, or the administrator may apply for and accept federal or nonfederal gifts, loans, or grants of funds and may use the funds for projects under this chapter.

Sec. 44. NEW SECTION. 256.87 COSTS AND FEES — CAPITAL EQUIPMENT REPLACEMENT REVOLVING FUND.

1. The board may provide noncommercial production or reproduction services for other public agencies, nonprofit corporations or associations organized under state law, or other nonprofit organizations, and may collect the costs of providing the services from the public agency, corporation, association, or organization, plus a separate equipment usage fee in an amount determined by the board and based upon the equipment used. The costs shall be deposited to the credit of the board. The separate equipment usage fee shall be deposited in the capital equipment replacement revolving fund.

2. The board may establish a capital equipment replacement revolving fund into which shall be deposited equipment usage fees collected under subsection 1 and funds from other sources designated for deposit in the capital equipment replacement revolving fund. The board may expend moneys from the capital equipment replacement revolving fund to purchase technical equipment for operating the educational radio and television facility.

Sec. 45. NEW SECTION. 256.88 TRUSTS.

Notwithstanding section 633.63, the board may accept and administer trusts and may authorize nonprofit foundations acting solely for the support of educational telecommunications including the broadcast and narrowcast systems to accept and administer trusts deemed by the board to be beneficial to the operation of the educational radio and television facility. The board and the foundations may act as trustees in such instances.

Sec. 46. NEW SECTION. 256.89 STATE PLAN.

The board shall cause to be developed and adopt a state educational telecommunications design plan. Any agency of the state and any political subdivision of the state shall submit plans for the development of educational telecommunications systems to the board to be coordinated with the state educational telecommunications design plan adopted by the board. Private institutions and entities may submit educational telecommunications proposals for coordination.

Sec. 47. NEW SECTION. 256.90 NARROWCAST OPERATIONS.

The board shall not use, permit use, or permit resale of its telecommunications narrowcast system for other than educational purposes. The board, in the establishment and operation of its telecommunications narrowcast system, shall use facilities and services of the private telecommunications industry companies to the greatest extent possible and is prohibited from

constructing telecommunications facilities unless comparable facilities are not available from the private telecommunications industry at comparable quality and price.

Notwithstanding chapter 476, the provisions of chapter 476 shall not apply to a public utility in furnishing a telecommunications service or facility to the board.

Sec. 48. Section 303.1, Code 1993, is amended to read as follows:

303.1 DEPARTMENT OF CULTURAL AFFAIRS.

1. The department of cultural affairs is created. The department is under the control of a director who shall be appointed by the governor, subject to confirmation by the senate, and shall serve at the pleasure of the governor. The salary of the director shall be set by the governor within a range set by the general assembly.

2. The department has primary responsibility for development of the state's interest in the areas of the arts, history, ~~libraries,~~ and other cultural matters. In fulfilling this responsibility, the department will be advised and assisted by ~~the state library commission,~~ the state historical society and its board of trustees, and the Iowa arts council, ~~the Terrace Hill commission,~~ and the Iowa public broadcasting board.

The department shall:

a. Develop a comprehensive, co-ordinated, and efficient policy to preserve, research, interpret, and promote to the public an awareness and understanding of local, state, and regional history.

~~b. Stimulate and encourage educational radio and television and other educational communications services as necessary to aid in accomplishing the educational objectives of the state.~~

e. Stimulate and encourage throughout the state the study and presentation of the performing and fine arts and public interest and participation in them.

~~d c.~~ Implement tourism-related art and history projects as directed by the general assembly.

~~e d.~~ Design a comprehensive, statewide, long-range plan with the assistance of the Iowa arts council to develop the arts in Iowa. The department is designated as the state agency for carrying out the plan.

~~f. Meet the informational needs of the three branches of state government.~~

~~g. Provide for the improvement of library services to all Iowa citizens and foster development and cooperation among libraries.~~

3. The department shall consist of the following:

a. Historical division.

~~b. Library division.~~

e. Arts division.

~~d. Public broadcasting division.~~

~~e c.~~ Other divisions created by rule.

~~f d.~~ Administrative section.

4. The director may create, combine, eliminate, alter or reorganize the organization of the department by rule ~~except for those matters prescribed by sections 303.75 through 303.85.~~

5. The department by rule may establish advisory groups necessary for the receipt of federal funds or grants or the administration of any of the department's programs.

6. The divisions shall be administered by administrators who shall be appointed by the director and serve at the director's pleasure. ~~However, the administrator of the public broadcasting division shall be appointed by and serve at the pleasure of the public broadcasting board and the administrator of the library division shall be appointed by and serve at the pleasure of the library commission.~~ The administrators shall:

a. Organize the activities of the division.

b. Submit a biennial report to the governor on the activities and an evaluation of the division and its programs and policies.

c. Control all property of the division.

d. Perform other duties imposed by law.

Sec. 49. Section 303.1A, unnumbered paragraphs 1, 2, and 3, Code 1993, are amended to read as follows:

~~Except for those matters prescribed by sections 303.75 through 303.85, the~~ The duties of the director shall include, but are not limited to, the following:

The director may appoint a member of the staff to be acting director who shall have the powers delegated by the director, in the director's absence. ~~The~~

~~The director may delegate the powers and duties of that office to the administrators. The director is not liable for the activities of the division of public broadcasting.~~

Sec. 50. Section 303.2, subsection 1, Code 1993, is amended to read as follows:

1. The administrative services section shall provide administrative, accounting, public relations and clerical services for the department, report to the director and perform other duties assigned to it by the director, ~~except for those matters prescribed by sections 303.75 through 303.85. The administrative services section may provide services to the public broadcasting division.~~

Sec. 51. Section 303.2, subsection 3, Code 1993, is amended by striking the subsection.

Sec. 52. Section 331.381, subsection 11, Code 1993, is amended to read as follows:

11. Enforce the interstate library compact in accordance with ~~sections 303A.9 to 303A.11 256.70 through 256.73.~~

Sec. 53. Section 669.2, subsection 5, Code 1993, is amended to read as follows:

5. "State agency" includes all executive departments, agencies, boards, bureaus, and commissions of the state of Iowa, and corporations whose primary function is to act as, and while acting as, instrumentalities or agencies of the state of Iowa, whether or not authorized to sue and be sued in their own names. This definition does not include a contractor with the state of Iowa. Soil and water conservation districts as defined in section 161A.3, subsection 5, judicial district departments of correctional services as established in section 905.2, and regional boards of library trustees as defined in ~~chapter 303B 256~~, are state agencies for purposes of this chapter.

Sec. 54. Section 904.601, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The director shall keep the following record of every person committed to any of the department's institutions: Name, residence, sex, age, place of birth, occupation, civil condition, date of entrance or commitment, date of discharge, whether a discharge is final, condition of the person when discharged, the name of the institutions from which and to which the person has been transferred, and if the person is dead, the date and cause of death. The director may permit the library division of libraries and information services of the department of education and the historical division of the department of cultural affairs to copy or reproduce by any photographic, photostatic, microfilm, microcard, or other process which accurately reproduces in a durable medium and to destroy in the manner described by law the records of inmates required by this paragraph.

Sec. 55. Sections 256.22, 303.2A, 303.17, 303.75 through 303.85, 303.91 through 303.94, Code 1993, are repealed.

Sec. 56. Chapters 303A and 303B, Code 1993, are repealed.

Sec. 57. The Code editor shall divide chapter 256 into subchapters.

Sec. 58. TERRACE HILL COMMISSION FUNDING. On the effective date of this Act, the director of revenue and finance shall allocate to the department of general services any funds appropriated to the office of the governor for the fiscal year beginning July 1, 1993, and ending June 30, 1994, for the purposes of the Terrace Hill commission.

Approved April 27, 1993

CHAPTER 49**WALLACE TECHNOLOGY TRANSFER FOUNDATION***S.F. 335*

AN ACT relating to the Wallace technology transfer foundation and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 15E.152, unnumbered paragraph 3, Code 1993, is amended to read as follows:

The foundation consists of a board of directors, an advisory council, ~~an executive director,~~ and staff.

Sec. 2. Section 15E.153, Code 1993, is amended to read as follows:

15E.153 AUTHORIZED CORPORATION.

A Wallace technology transfer foundation of Iowa shall be incorporated under chapter 504A. The foundation shall not be regarded as a state agency, except for purposes of chapter 17A. A member of the board of directors is not considered a state employee, except for purposes of chapter 669. ~~The executive director is a state employee for purposes of the Iowa public employees' retirement system, state health and dental plans, and other state employee benefits and chapter 669.~~ A natural person employed by the ~~executive director~~ foundation is a state employee for purposes of the Iowa public employees' retirement system, state health and dental plans, and other state employee benefits plans and chapter 669. Chapters 8, 18, 19A, and 20, and other provisions of law that relate to requirements or restrictions dealing with state personnel or state funds do not apply to the foundation, ~~the executive director,~~ and any employees of the board or the foundation, except to the extent provided in this chapter.

Sec. 3. Section 15E.154, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

15E.154 BOARD OF DIRECTORS.

1. The board of directors of the foundation shall consist of nine voting members and nine ex officio nonvoting members as follows:

a. Nine members appointed by the governor and confirmed by the senate pursuant to section 2.32 for the terms determined by the board at its first meeting which shall not exceed three years. Of these nine members, two shall be chosen from the three names submitted by the governing bodies of the three statewide labor organizations representing building trades and manufacturing employees, one shall be chosen from production agriculture, at least one shall be chosen from a food processing business, at least one shall be chosen from a biotechnology business, and at least two shall be chosen from manufacturing businesses. Also, two of these members shall be chosen from businesses with fewer than one hundred employees.

b. The following nine ex officio, nonvoting members with one member appointed by each of the following persons: the speaker of the house of representatives, the minority leader of the house of representatives, the president of the senate, after consultation with the majority leader and the minority leader of the senate, and the minority leader of the senate, after consultation with the president of the senate, the president, or the president's designee, of the university of northern Iowa, the state university of Iowa, and Iowa state university, one person each, with a preference given to persons with experience in manufacturing technology transfer, chosen by the Iowa association of community college presidents and the Iowa association of independent colleges and universities.

2. The board of directors shall be bipartisan and gender-balanced in accordance with sections 69.16 and 69.16A and shall be as geographically balanced as possible. The appointing authorities in subsection 1 shall coordinate their appointments to ensure that the provisions of this subsection are met.